

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 732

PRINTER'S NO. 1185

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 2, 2011

PRIME SPONSOR

Senator Vance

HISTORY OF BILL

Referred to PUBLIC HEALTH AND WELFARE, March 2, 2011

Reported as amended, May 4, 2011

First consideration, May 4, 2011

Re-referred to APPROPRIATIONS, May 4, 2011

Re-reported as amended, May 9, 2011

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 732 creates a free standing act entitled the "Department of Health Abortion Facility Oversight Act" to enhance and clarify the Pennsylvania Department of Health's (Department) duties and responsibilities for abortion facilities within the Commonwealth.

Specifically, this legislation does the following:

- Establishes a licensure requirement for all abortion facilities, including an initial inspection of the facility prior to the issuance of such license;
- Requires that all abortion facilities prominently display such license in a place visible to patients;
- Clarifies the authority of the Department to conduct inspections of all abortion facilities, including a required inspection at the time of license renewal and random inspections, whether they be announced or unannounced;
- Clarifies the authority of the Department, including inspectors employed by the Department, to have free and full access to the premises, records and individuals employed by or under contract with the abortion facility;
- Establishes inspection report requirements, including the requirement that they be posted on the Department's website, along with searchable capabilities;

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- Clarifies criteria considered to be violations of the Act;
- Allows for the assessment of administrative penalties by the Department;
- The legislation also makes it a summary offense for any abortion facility to operate without a license. Each day of operation would constitute a separate offense;
- Establishes a formal complaint process within the Department, including a toll-free telephone number, the ability to electronically file a complaint via the Department's website, the establishment of an intake system and protocols for dealing with complaints received through the postal system and the establishment of a complaint tracking system;
- The bill provides for confidentiality and directs the Department to promulgate regulations to implement the Act; and
- Existing regulations which are not inconsistent will remain in effect until they are amended by the Department.

FISCAL IMPACT:

According to testimony from Dr. Eli N. Avila, Secretary of Health of the Commonwealth of Pennsylvania, many of the legislative changes proposed are already being implemented by the Department, including annual abortion facility inspections with additional random inspections, a process to investigate complaints, an online complaint mechanism, posting in facilities of a toll-free number to take complaints, and information sharing with the Department of State.

The Department indicates that there are 22 currently certified abortion facilities operating within the Commonwealth. It is anticipated that a few of these facilities may choose to not apply to the Department for licensing and discontinue operating.

The Department has implemented many of these legislative proposals and the costs associated with implementation have already been absorbed into the Department's current budget. Therefore, it is determined that the passage of this legislation would not have any additional fiscal impact on the Department or Commonwealth.